REMARKS

In response to the Office Action mailed October 6, 2003, Applicants respectfully request reconsideration based the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-14 were pending in this application. No claims have been amended, canceled, or added. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action mailed October 6, 2003, claims 1-14 were rejected under 35 USC § 103(a) as being unpatentable over U. S. Patent No. 6,373,930 to McConnell et al. ("McConnell"). For the reasons below, Applicants respectfully traverse the rejections.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P §2143. Without conceding the first and second criteria, Applicant asserts that the cited reference does not teach or suggest each and every elements of the claims. Without conceding any other claim limitations, the following discussion set forth several claim limitations that are not taught or suggested by the cited combination.

Claim 1 recites an interactive voice response (IVR) system for pre-paid wireless service comprising a peripheral device in communication with a mobile switching system, an IVR

application on the peripheral device comprising a menu driven system adapted to receive

information from a customer, wherein the menu driven system responds to the information

received from the customer by reciting at least one previous transaction. As defined in the

specification and used throughout, for example, beginning at the top of page 3, peripheral device

refers to a component of the cellular provider's system, which can be a service control point

(SCP) or an intellectual peripheral (IP). Furthermore, as described in the Background section of

the specification, the IVR application recited in claim 1 has useful features and is flexible to use,

unlike the traditional IVR systems, which is a menu-driven system only allowing user to perform

basic function, such as checking their current account balances. Moreover, the "at least previous

transaction" responded by the IVR applications may include, for example, the previous calls that

have been made from the subscriber or to the subscriber and the date and time of the previous

transaction, as described at page 20, line 17.

For the obviousness rejection, the Examiner relied on McConnell. As admitted by the

Examiner, McConnell fails to teach or suggest that the menu driven system (of the IVR

application) responds to the information received from the customer by reciting at least one

previous transaction. The Examiner, however, stated that such a feature would have been

obvious since as shown in McConnell that a subscriber can interact with a voice response system

to received and transmit subscriber related information.

Applicants respectfully disagree with the Examiner's assertion because after a thorough

study of McConnell's specification, Applicants cannot find any teachings or suggestions that

"the driven menu system responds to the information received from the customer by reciting at

least one previous transaction," as recited in Applicants' claim 1. In fact, in McConnell, the

IVRU (interactive voice response unit) is one of the traditional IVR systems that is considered to

be undesirable, as stated in the Background of the present invention.

In column 3, lines 53-67, McConnell describes that IVRU facilitates interaction with

users, such as playing announcements, collecting dual-tone-multi-frequency ("DTMF") digits,

and recognizing speech. McConnell further explains the function of the IVRU (Interactive Voice

Response Unit) in column 6, lines 14-51, with reference to Figure 3. In summary, when SSP 16

receives a prepaid call request from station 12, SSP 16 sets up the call by sending a first IAM

message to SCP 22 requesting a call connection via outbound looparound trunk 44. Upon receipt

of the first IAM message, SCP first directs SSP 16 to connect the call to IVRU 52 so that IVRU

52 can announce the subscriber's balance. SCP 22 then sends a second IAM message to SSP 16,

instructing SSP 16 to receive a call on inbound looparound trunk 46 and to route it to IVRU 52

via trunk 48. Afterward, SCP 22 instructs SSP 16 to connect station 12 with IVRU 52. With this

connection is established, IVRU 52 plays an announcement to a subscriber, indicating the

available account balance. IVRU 52 then releases a call leg of a trunk 48. No other actions of

IVRU 52 have been taught or suggested by McConnell. Accordingly, McConnell only discloses

a traditional IVR system that fails to teach or suggest the menu driven system of claim 1 of the

present invention.

Therefore, no *prima facie* case of obviousness has been established for claim 1.

Applicants thus respectfully submit that claim 1 should be patentable over McConnell.

Furthermore, no *prima facie* case of obviousness has been established for claims 2-14 at least

due to their dependencies from patentable independent claim 1. Claims 2-14 should be

patentable over McConnell.

In view of the foregoing all of the claims in this case are believed to be in condition for

allowance. Should the Examiner have any questions or determine that any further action is

desirable to place this application in even better condition for issue, the Examiner is encouraged

to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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By:
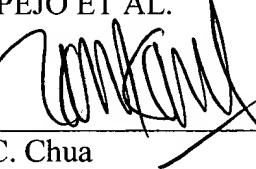
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